

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CLAUDIA GANTA, NATALIE	:	CIVIL ACTION NO. 1:18-CV-1651
GANTA, a Minor, By and Through	:	
Her Guardian <i>Ad Litem</i>, Claudia	:	(Chief Judge Conner)
Ganta, and THE ESTATE OF	:	
COSMIN GANTA,	:	
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
KK & DD INC., EDAY CABRERA,	:	
THE ESTATE OF EPITACIO DIAZ	:	
MORALES, M&M EXPRESS LINE	:	
CORP., GOLD TRUCKING	:	
SOLUTIONS CORP., and DOES 1-50,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 30th day of November, 2018, upon consideration of plaintiffs’ request (Doc. 15) for entry of default against defendant, the Estate of Epitacio Diaz Morales (“the Estate”), filed November 16, 2018, and it appearing that the summons and complaint were served on the Estate on August 30, 2018, (see Doc. 10), and that, as of the date of plaintiffs’ request, the Estate had not pled or otherwise defended itself in this litigation, see FED. R. CIV. P. 12, nor had counsel entered an appearance on behalf of the Estate, and it also appearing that, after the request for entry of default was filed but before the Clerk of Court could enter the requested default, the Estate filed an answer (Doc. 18) to plaintiffs’ complaint, and the court noting that, notwithstanding the late-filed pleading, the Estate “failed to plead or otherwise defend” within the time period allotted by the Federal Rules of

Civil Procedure, see FED. R. CIV. P. 12(a)(1)(A); FED R. CIV. P. 55(a), and that the proper course under the Federal Rules is to strike the Estate's late-filed answer, enter default as requested, and permit the Estate to move to set aside the default in accordance with Federal Rule of Civil Procedure 55(c), see FED. R. CIV. P. 55(c), it is hereby ORDERED that:

1. The Clerk of Court is directed to STRIKE the Estate's answer (Doc. 18) as filed late and without the court's leave.
2. The Clerk of Court is further directed to enter default against the Estate in accordance with Federal Rule of Civil Procedure 55(a).
3. The Estate may move to set aside the default in accordance with Federal Rule of Civil Procedure 55(a).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania